

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: AUGUST 5, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-34602 - APPLICANT/OWNER: THE LAKES LUTHERAN CHURCH**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-1/mb vote) recommends APPROVAL, subject to conditions.

**Planning and Development**

1. Conformance to the conditions for Special Use Permits (SUP-34604, 34606 and 34608) Variance (VAR-34605), and Site Development Plan Review (SDR-1968), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and building elevations, date stamped 05/26/09, and landscape plan date stamped 05/28/09, except as amended by conditions herein.
4. The Child Care Center hours of operation shall be between 6:30 AM to 6:00 PM, Monday through Friday.
5. The southernmost driveway on Cimarron Road and the driveway on Via Olivero Avenue are denoted as having crash gates. Access via these driveways shall be limited to emergency vehicles only.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide four, five-gallon shrubs for each required tree within landscape buffer areas and parking lot landscape islands. A total of 13, 24-inch box trees shall be provided within the south landscape buffer area and 24, 24-inch box trees shall be provided within the east landscape buffer area, spaced a maximum of 20 feet on-center. Pursuant to Title 19.12.040(B)(1), all required trees along the north perimeter shall be provided within the required 15-foot landscape buffer. Pursuant to Title 19.12.040(B)(5), ground covers shall be installed in all landscaped areas. Provide Parking Lot screening in accordance with the requirements of Title 19.10.010(J)(11) for all parking areas visible from a public right-of-way.

7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. There shall be no sidewalk installed on the south side of Via Olivero Avenue.
17. The proposed driveway located at the emergency access gates shall be designed, located, and constructed in accordance with Standard Drawing #224.

18. Landscape and maintain all unimproved rights-of-way on Sahara Avenue, Cimarron Road, and Via Olivero Avenue adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. Submit an Encroachment Agreement for all landscaping, if any, located in the Sahara Avenue, Cimarron Road, and Via Olivero Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site contains an existing 13,808 square-foot Church/House of Worship, associated parking, and approximately 55,000 square feet of undeveloped area on a 3.88-acre lot located at 8200 West Sahara Avenue. The applicant is proposing to construct a 2,576 square-foot addition to the existing Church/House of Worship, a 2,500 square-foot Child Care Center, a 22-bed Convalescent Care Facility/Nursing Home, a 33-unit Assisted Living Apartments and a 41-unit Senior Citizen Apartment complex within a four-story, 49.5-foot high building. If the application is denied the applicant will be required to redesign the proposed development to meet Title 19 standards.

**Issues**

- The proposed building layout does not maximize efficient use of the site, and further exacerbates the need for an associated parking Variance (VAR-34605).
- The parking lot design is fragmented, creating two separate parking lots which severely limits on-site circulation and movement for both vehicles and pedestrians.
- The individual uses proposed for the subject property are appropriate for the site and will provide a buffer between Sahara Avenue to the south and the single-family residences to the north; however, the combination of the proposed uses has resulted in a site that will be overbuilt, as is evidenced by the deficiency of parking.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
07/07/93	The City Council approved a request for a Rezoning and Plot Plan and Elevation Review (Z-0043-93) from N-U (Non-Urban) to C-V (Civic) for a proposed Church/House of Worship located at the northwest corner of Sahara Avenue and Cimarron Road. The Planning Commission and staff recommended approval of this request.
01/14/94	A deed was recorded for change of ownership.
01/04/95	The City Council approved a request for an Extension of Time [Z-0043-93(1)] of an approved Rezoning and Plot Plan and Elevation Review (Z-0043-93) from N-U (Non-Urban) to C-V (Civic) for a proposed Church/House of Worship located at the northwest corner of Sahara Avenue and Cimarron Road. The Planning Commission and staff recommended approval of this request.
04/23/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-1968) for a 4,840 square-foot addition to an existing Church/House of Worship on 3.88 acres at 8200 West Sahara Avenue. Staff recommended approval of this request.

07/09/09	<p>The Planning Commission recommended approval of companion items GPA-34600, ZON-34601, VAR-34605, SUP-34604, SUP-34606 and SUP-34608 concurrently with this application.</p> <p>The Planning Commission voted 5-1/mb to recommend APPROVAL (PC Agenda Item #28/dc).</p>
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<b><i>Related Building Permits/Business Licenses</i></b>	
04/17/95	Building permits were issued for onsite improvements (#95373763) and a new building (#95373764) at 8200 West Sahara Avenue. The permits were finalized under building permit (#97007415) on 05/27/97.
12/01/95	A building permit (#95883523) was issued for a sign at 8200 West Sahara Avenue. The permit expired 09/21/96 without receiving final approval.
11/22/95	A building permit (#95882928) was issued for a 50-foot long, six-foot high block wall and a 275-foot long, two-foot high retaining wall. The permit expired 09/21/96 without receiving final approval.
04/19/04	A building permit (#04009010) was issued for a 5,280 square-foot addition at 8200 West Sahara Avenue. The permit received final approval 08/24/04.
<b><i>Pre-Application Meeting</i></b>	
05/14/09	<p>A Pre-Application meeting was held with the applicant where the following issues were discussed:</p> <ul style="list-style-type: none"> <li>• The requested change in zoning opens up the entire site to review for compliance with Title 19.08 requirements.</li> <li>• Residential Adjacency issues with the single-family property to the north.</li> <li>• Discussion of all uses proposed at the site, including the expansion of the existing Church/House of Worship use, Daycare Facility, Senior Citizen Apartments, Convalescent Care Facility/Nursing Home and Assisted Living Apartments.</li> <li>• Parking requirements for the uses proposed.</li> <li>• Adherence to the submittal requirements and plans required for a General Plan Amendment, Rezoning, three Special Use Permit applications, a parking Variance and a Site Development Plan Review.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
06/08/09	<p>A neighborhood meeting was held at 6:00pm at The Lakes Lutheran Church, Conference Room, located at 8200 West Sahara Ave. Las Vegas, Nevada 89117. There were three representatives of the applicant, five representatives of the church, one member of the Planning and Development staff and two members of the general public present.</p> <ul style="list-style-type: none"> <li>• A discussion was held where the general public raised questions about the proposed development.</li> </ul>

<b>Field Check</b>	
06/04/09	<p>A field check was conducted by staff at the subject property where the following was observed:</p> <ul style="list-style-type: none"> <li>• The subject site contains an existing 13,808 square-foot Church/House of Worship.</li> <li>• An existing parking lot surrounds the west and north sides of the existing building, and extends along the east perimeter of the site to O'Bannon Drive.</li> <li>• The northeastern half of the subject property is undeveloped, relatively flat, and contains no landscaping.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	3.88

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church/House of Worship	SC (Service Commercial) and R (Rural Density Residential) [Proposed: SC (Service Commercial)]	C-V (Civic) [Proposed: C-1 (Limited Commercial)]
North	Single-Family Residences	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
South	Restaurant	CN (Commercial Neighborhood) – Clark County	C-1 (Local Business) – Clark County
East	Office and Retail	SC (Service Commercial)	C-1 (Limited Commercial) and O (Office)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	169,052 SF	N/A
Min. Lot Width	100 Feet	291 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 Feet 10 Feet 15 Feet 20 Feet	60 Feet 72 Feet 20 Feet 60 Feet	Y Y Y Y
Max. Lot Coverage	50%	26%	Y
Max. Building Height	N/A	49.5 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	By Condition
Mech. Equipment	Screened	Screened	By Condition

*Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope (three-story portion)	115.5 Feet	120 Feet	Y
3:1 proximity slope (four-story portion)	148.5 Feet	165 Feet	Y
Adjacent development matching setback	10 Feet	60 Feet	Y
Trash Enclosure	50 Feet	345 Feet	Y

*Pursuant to Title 19.12, the following standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/6 Spaces	27 Trees	28 Trees	Y
Buffer:				
Min. Trees				
(North)	1 Tree/20 Linear Feet	13 Trees	13 Trees	Y
(South)	1 Tree/20 Linear Feet	13 Trees	7 Trees	By Condition
(East)	1 Tree/20 Linear Feet	24 Trees	18 Trees	By Condition
(West)	1 Tree/30 Linear Feet	20 Trees	20 Trees	Y
<b>TOTAL</b>		97 Trees	86 Trees	By Condition
Min. Zone Width	15 Feet (North, South and East)		15 Feet	Y
	8 Feet (West)		8 Feet	Y
Wall Height	6-8 Feet		8 Feet	Y

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/ House of Worship	490 Fixed Seats	1 / 4 fixed seats, or 1 space / 100 SF of non-fixed seating in the gathering room	123				
Child Care Center	6 Staff, 50 Children	1 / Staff Member, plus 1 / 10 Children	11				
Convalescent Care Facility/ Nursing Home	22 Beds; 22 Employees	1 / 6 Beds, plus 1 / Each Employee on the largest shift; plus 3 spaces for use by Medical Professionals	29				
Assisted Living Apartments	33 Residents	1 / 3 Residents	11				
Senior Citizen Apartments	41 Units	.75 / Unit	31				
SubTotal			195	7	152	8	
TOTAL			205		160		N*
Percent Deviation					22%		

\* The applicant has submitted an associated Variance (VAR-34605).

<b>Outdoor Play Area Requirements – Child Care Center Per NRS 432A.077</b>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Square Feet</i>		
Daycare with 50 Children	A total of 37.5 square feet per child	1,875 square feet	1,900 square feet	Y



## ANALYSIS

- **Site Plan**

The proposed site plan is generally consistent with the requirements of Title 19, with the exception of the associated request for a parking Variance (VAR-34605), which is necessary to allow 160 parking spaces where 205 are required. The proposed four-story building and addition to the existing Church/House of Worship occupy the center of the site, and do not represent the most efficient spatial layout. The placement of the proposed building and addition divides the proposed parking areas into two separate parking lots, one of which is accessed solely from Cimarron Road, the other which accesses both Cimarron Road and Sahara Avenue. When the 42-space parking lot adjacent to the east side of the site becomes fully occupied, all on-site traffic will exit the site onto Cimarron Road, travel westbound on Sahara Avenue, then re-enter the site utilizing the single driveway fronting Sahara Avenue to gain access to the remaining 118-space parking lot. Additionally, the 118-space parking lot adjacent to the west side of the site features singular north/south and east/west drive aisles which only provides ingress and egress from a single driveway fronting Sahara Avenue, without providing adequate turnarounds to the north or east.

The proposed main entrances to the Church/House of Worship, Child Care Center, Senior Citizen Apartments, Assisted Living Apartments and Convalescent Care Facility/Nursing Home have all been oriented towards the 42-space parking lot fronting Cimarron Road. By placing the main entrances towards the smallest parking lot and oriented to a single side of the site, the parking shortage will be further exacerbated. Additionally, pedestrian on-site circulation is compromised by this layout, as clear, defined pedestrian connections between all parking areas and building main entrances have not been made. A redesign of the site which will eliminate the need for a parking Variance and provide enhanced on-site circulation for both pedestrians and vehicles will allow conformance to the requirements of Title 19.

- **Landscape Plan**

The landscape plan submitted is not consistent with the requirements of Title 19.12; however, conditions have been added to ensure compliance. The northern landscape buffer depicts the correct quantity of trees required; however, the proposed trees have been placed outside of the required 15-foot landscape buffer. The east and south perimeters depict trees spaced on average 30 feet on-center, where Title 19.12.040(G) requires tree spacing at 20-feet on center. The landscape plans do not indicate the provision of four, five-gallon trees for each required tree, including those required within the parking lot landscape islands, nor do they indicate what type of ground cover will be provided. Additionally, the plans do not indicate if parking lot screening will be provided pursuant to Title 19.10.010(J)(11).

All items have been addressed through conditions. Internal site landscaping provided around the proposed and existing buildings is sparse with minimal shade trees, and is not conducive to encouraging outdoor activity. The remainder of the landscape plans reflect conformance with the requirements of Title 19.12.

- **Elevations**

The elevations depict a three and four-story building utilizing a painted stucco finish and a clay barrel S-tile roof. The elevations utilize varying rooflines and building articulation to meet the requirements of Title 19.08.

- **Floor Plan**

The floor plans submitted depict the proposed four-story multi-use building and addition to the existing 13,808 square-foot Church/House of Worship. A total of 100,943 square feet will be added to the site, contained within a four-story building. The first floor will house the Convalescent Care Facility within 22 rooms ranging in size between 245 and 345 square feet, a dining room, fitness room, library, recreation room, lobby, private offices, a health center, kitchen, employee lounge, Child Care Center and vestibule addition to the existing Church/House of Worship. The second floor will house a Barber/Beauty Shop, Assisted Living and Senior Citizen Apartments. The third floor will contain one guest room facility, Assisted Living and Senior Citizen Apartments, while the fourth floor will house Assisted Living and Senior Citizen Apartments.

Each individual living unit will range in size from 245 to 1,222 square feet, and be offered in studio, one bedroom, one bedroom plus den, and two-bedroom options. All units will feature a kitchenette and bathroom facility, and will be accessed via an internal hallway. Two central elevators and four stairwells provide resident access.

## **FINDINGS**

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The existing and proposed uses are compatible with adjacent development; however, the site is overbuilt, and the layout of the development is not compatible with the adjacent development and development in the area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the General Plan, but is not consistent with Title 19, as is evidenced by the need for an associated parking Variance (VAR-34605) to allow 160 parking spaces where 205 are required.

**3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

Access to the site is provided by Sahara Avenue, a 100-foot Primary Arterial and Cimarron Road, an 80-foot Secondary Collector, as designated by the Master Plan of Streets and Highways. In addition, emergency access is provided via crash gates fronting Via Olivero Avenue, a 60-foot Local Street, and Cimarron Road, an 80-foot Secondary Collector, according to the Master Plan of Streets and Highways. All three roadways are adequate in size to meet the requirements of the proposed use; however, due the fragmented design of the two parking areas which are not internally connected, Cimarron Road and Sahara Avenue will be subject to additional traffic.

**4. Building and landscape materials are appropriate for the area and for the City;**

The building materials are appropriate for the area and for the City; the landscape materials are appropriate as conditioned. Internal site landscaping provided is sparse, with minimal shade trees, and does not encourage outdoor pedestrian activity.

**5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations, design characteristics and other architectural and aesthetic features are not unsightly or undesirable. The proposed four-story building emulates some of the architectural characteristics of the existing Church/House of Worship and will be harmonious and compatible with development in the area.

**6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**     2

**SENATE DISTRICT** 8

**NOTICES MAILED** 253 by City Clerk

**APPROVALS** 1

**PROTESTS** 0